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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,681	07/25/2000	David A Reams	PHLY-25,394	9354
25883	7590	03/31/2005	EXAMINER	
HOWISON & ARNOTT, L.L.P			BUI, KIEU OANH T	
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2611

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/625,681	<b>Applicant(s)</b> REAMS, DAVID A	
	<b>Examiner</b> KIEU-OANH T BUI	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Remarks*

1. Claims 1-13, and 28-49 were canceled. Pending claims are amended claims 14-27 for reconsideration.

### *Response to Arguments*

2. Applicant's arguments filed on 10/21/04 have been fully considered but they are not persuasive. All of the applicant's arguments related to claims 14 and 21 at least concerning the issue of the product information and a connection device for connecting the user at a remote location with the ID to extract it therefrom, and the header information are discussing in the following incorporated claim-by-claim analysis with supportive statements and clear explanation from the Examiner. The examiner respectfully disagrees with the applicant's arguments and stands with the disclosure and teaching of Nadan, Tsinberg, and Ring as previously disclosed and further discussed in this office action as explained below.

### *Claim Rejections - 35 USC 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

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4. Claims 14-15, 17-22, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Nadan (U.S. Patent No. 5,321,750/ or “Nadan” hereinafter).

Regarding claim 14, Nadan discloses “a method for retrieving product information including at least product/service identification or description and related to a commercial event and associated with a remote location on a communications network, comprising the steps of: receiving at a user location a broadcast from a broadcast network including within the broadcast a data set that is associated with the product information, extracting the data set from a non-video portion of the broadcast in an extracting system; and operating a connection device at a time later than the broadcast to connect the user location to the remote location on the network that is associated with the product information in response to extracting the data set to enable retrieval of the product information from the remote location”, i.e., users at remote location 16 (as shown in Figs. 1, 11, & 16 for the network broadcasting system) can access or remotely retrieve product information including at least identification or description related to a commercial event as well as extracting data from a non-video portion of the broadcast associated with product information (col. 3/lines 38-57, col. 4/line 33 to col. 5/line 6, and col. 6/lines 30-50 for updates or upgrades information controlled by an operator of the network broadcasting system including a first stream data, then a second stream sequence data as for an update or requested information; Fig. 2 for stream data with encoded signals, and Fig. 6 for an decoder for decoding and extracting information from the stream data and interpreting information identification codes for product information, see col. 8/line 59-col. 9/line 27 & col. 10/line 25 to col. 11/line 17).

In addition, the objective of Nadan clearly demonstrates that clients is allowed to access the remote sources of vendors or merchants for updates or further information related to a product or service, since the broadcast does not provide the full information because of costs concerned (col. 1/line 30-66); therefore, Figure 2 shows update fields 24 for (reserved) containing additional information if the user requests, field 22 simply refers to header information for identifying which decoder-receiver 16 is requesting information from sources via a host computer CPU 425 (as illustrated in Figs. 11 & 16; and col. 4/line 33 to col. 5/line 6 & col. 14/lines 1-14 for unique DID addressed). Furthermore, Figure 17 of Nadan clearly shows portion d contains H & D for header and non-video information of update information, and portion v contains TV information (refer to col. 27/line 42 to col. 28/line 44), and the connection occurs at a later time as the user access at a later time via a host computer as a connection device, not real-time, for updates obtaining from remote sources 310 or 10 (Fig. 11/for 310 or Fig. 16/source 10; and col. 4/line 39 to col. 5/line 6 for a memory in storing and retrieving update information related to the second stream data).

As for claim 15, in view of claim 14, Nadan discloses “wherein the step of receiving comprises the steps of: generating a reference signal in a receiving device; presenting a reception signal from the broadcast at an input of the receiving device; mixing the reception signal with the reference signal to detect a received signal in the receiving device; demodulating the received signal to output a data stream; and coupling the data stream to a data decoder”, i.e., a reference signal identified as a unique display identification (DID) code presenting and mixing with the reception signal at the receiving device as an enable reception message (shown in Fig. 3A) and the demodulating step occurs (col. 81/lines 5-12) and to a decoder (as shown in Fig. 16 with a

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DEMOD 630 to a EDAC decoder 640 within a receiving decoder 316 at the user's location remote from the host CPU 425).

As for claim 17, in view of claim 15, Nadan inherently teaches "wherein the step of presenting a reception signal at an input to the receiving device comprises the step of: locating an RF signal encoded with the reception signal comprising modulation variations in a carrier signal in the broadcast within the range of a detection antenna coupled to an input of the receiving device", i.e., TV signals are received at the TFC 450 and TV signals regarding as conventional RF signals equipped with an antenna for receiving the signals (Fig. 16, and col. 38/lines 24-33).

As for claim 18, in view of claim 15, Nadan discloses "wherein the step of mixing the reception signal with the reference signal to detect a received signal in the receiving device comprises the steps of: detecting the received signal by mixing the reception signal and the reference signal in a nonlinear circuit; and outputting the received signal corresponding to a difference between the frequencies of the reception and the reference signals", i.e., output signals are corresponding to frequencies of the received signals and reference signals (see details in col. 12/line 1 to col. 13/line 33).

As for claim 19, in view of claim 14, Nadan further discloses "wherein the step of extracting comprises the steps of decoding the data set to output the product information in binary data form; coupling the binary data product information to a first memory in a data processor; and executing a first program of instructions to process the product information and send it to the connection device", i.e., data is decoded to digital data or in binary data form using a A/D decoder and the information data is storing in a memory of a processor for processing, and

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the update data is processed and sent to the user's device (Fig. 6, and col. 10/line 35 to col. 11/line 26).

As for claim 20, in view of claim 14, Nadan further discloses "wherein the step of operating comprises the steps of: receiving and reading the product information from the extracting step; and executing a second program of instructions to establish a communication connection between the user location and the remote location using information read from the product information", i.e., the connection between the user location and the remote location is established as soon as the received information DID codes from the product information match with the code stored in the receiving device, the update data can be retrieved and displayed on the user's device (col. 10/line 42 to col. 11/line 26).

Regarding claims 21-22, and 26-27, these claims for "a method for retrieving product information including at least product/service identification or description and related to a commercial event and associated with a remote location on a communications network, comprising the steps of: receiving at a user location a broadcast including a data set associated with the product information, the signal embedded in a widely disseminated communication from a source to numerous user locations having a device for retrieving the signal; extracting the data set from the signal in an extracting system; and operating a connection device to connect the user location to the remote location on the network in response to extracting the data set to enable retrieval of the product information from the remote location" are rejected for the reasons given in the same scope of claims 14-15, and 17-20 as already discussed above.

In addition, the objective of Nadan clearly demonstrates that clients is allowed to access the remote sources of vendors or merchants for updates or further information related to a product or service, since the broadcast does not provide the full information because of costs concerned (col. 1/line 30-66); therefore, Figure 2 shows update fields 24 for (reserved) containing additional information if the user requests, field 22 simply refers to header information for identifying which decoder-receiver 16, at the user location, is requesting information from sources via a host computer CPU 425 (as illustrated in Figs. 11 & 16, and the decoder-receiver 16 extracts information for presenting the data information and TV information on the display screen at TV 317 (also illustrated in Fig. 13 for TV display and financial news from a remote broadcast source); and col. 4/line 33 to col. 5/line 6 & col. 14/lines 1-14 for unique DID addressed). Furthermore, Figure 17 of Nadan clearly shows portion d contains H & D for header and non-video information of update information, and portion v contains TV information (refer to col. 27/line 42 to col. 28/line 44), and the connection occurs at a later time as the user access at a later time via a host computer as a connection device, not real-time, for updates obtaining from remote sources 310 or 10 (Fig. 11/for 310 or Fig. 16/source 10; and col. 4/line 39 to col. 5/line 6 for a memory in storing and retrieving update information related to the second stream data).

***Claim Rejections - 35 USC 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nadan (U.S. Patent No. 5,321,750) in view of Tsinberg (U.S. Patent No. 4,873,567).

Regarding claim 16, in view of claim 15, Nadan does not mention “wherein the step of generating a reference signal in a receiving device comprises the step of: activating a local oscillator having a predetermined frequency and amplitude to provide a heterodyning signal”; however, Tsinberg in an HDTV enhancement system teaches an exact same technique (Tsinberg, Fig. 3 and col. 7/lines 3-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nadan’s system with a known technique as taught by Tsinberg in order to clarifying the step of generating a reference signal using an oscillator for providing a heterodyne signal for constructing enhancement signals as disclosed by Tsinberg.

7. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadan (U.S. Patent No. 5,321,750) in view of Ring et al. (US Patent No. 6,460,768 B2/ or “Ring” hereinafter).

Regarding claims 23-25, Nadan does not disclose the claiming features thereof; however, these steps of “wherein the step of generating a reference signal in a receiving device comprises the step of: activating a light source to provide a coherent light beam having a predetermined wavelength and intensity to provide an incident signal”; “wherein the step of presenting a reception signal at an input to the receiving device comprises the step of: locating a printed indicia encoded with the reception signal comprising the reflected variations in light beam intensity resulting from scanning the printed indicia in the widely disseminated communication within the range of a detection device coupled to an input of the receiving device”; and “wherein the step of mixing the reception signal with the reference signal to detect a received signal in the receiving device comprises the steps of: detecting the received signal by placing the reference signal in incident relationship upon the printed indicia containing the reception signal; and outputting the received signal corresponding to reflected variation in light intensity resulting from scanning the printed indicia” as well as “wherein said receiver device comprises a circuit tuned to detect optically distinguishable indicia in a printed publication” and “wherein said circuit comprises a scanning device for reading a machine readable code” are well-known in the art of scanning; and they are taught by Ring as Ring discloses a printed indicia can be read by an optical detected device such as a scanner, which is used for detecting the printed indicia or a printed bar code by activating a light source to provide a coherent light beam having a predetermined wavelength and intensity to provide an incident signal (Ring, Fig. 1, and col. 1/lines 10-67, col. 3/lines 13-19, col. 4/line 66 to col. 5/line 16, col. 13/line 39-53; and col. 18/line 40 to col. 19/line 38).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to simply incorporate a scanner light detector as taught by Ring, widely used at Point Of Sale POS terminals in commercial markets, into Nadan's system in order to provide the product information readable at the vendor's site to a remote location as preferred.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIEU-OANH T BUI whose telephone number is (703)305-0095. The examiner can normally be reached on MON - THUR (8:30AM - 6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHRISTOPHER GRANT can be reached on (703)305 -4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KB  
Mar.29, 2005

Krista Bui  
Primary Examiner  
Art Unit 2611